

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

OPELTON KELLY,

Plaintiff,

File No. 2:07-CV-206

v.

HON. ROBERT HOLMES BELL
UNKNOWN HOLMAN, et al.,

Defendants.

/

**ORDER ADOPTING IN PART AND REJECTING IN PART
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

IT IS HEREBY ORDERED that Plaintiff's motion to supplement his objections to the R&R (Dkt. No. 7) and Plaintiff's motions for leave to file amended objections to the R&R (Dkt. Nos. 9, 11) are **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's objections to the Report and Recommendation of the Magistrate Judge (Dkt. Nos. 5, 7, 9, 11) are **GRANTED IN PART and DENIED IN PART**. Plaintiff's objections are granted with respect to his First Amendment retaliation claim, and are denied as to his Fourteenth Amendment procedural due process claim and Eighth Amendment cruel and unusual punishment claim.

IT IS FURTHER ORDERED that the Report and Recommendation of the Magistrate Judge (Dkt. No. 4) is **ADOPTED IN PART and REJECTED IN PART**, as follows: the Court approves and adopts the R&R insofar as it recommends dismissal of

Plaintiff's Fourteenth Amendment procedural due process claim and his Eighth Amendment cruel and unusual punishment claim, and the Court rejects the R&R insofar as it recommends dismissal of Plaintiff's First Amendment retaliation claim.

Date: July 18, 2008 /s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE